

Amy Edwards, OSB No. 012492
amy.edwards@stoel.com
Crystal S. Chase, OSB No. 093104
crystal.chase@stoel.com
Kennon Scott, OSB No. 144280
kennon.scott@stoel.com
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
Telephone: (503) 224-3380
Facsimile: (503) 220-2480

Attorneys for Defendant Select Portfolio Servicing, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

TERRI KWAKE, an individual and citizen
of the State of Oregon,

Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC.;
a Utah Corporation,

Defendant.

Case No.: 6:15-CV-01713-MC

DEFENDANT SELECT PORTFOLIO
SERVICING, INC.'S RESPONSE TO
PLAINTIFF'S MOTION TO AMEND
SCHEDULING ORDER

Plaintiff Terri Kwake ("Plaintiff") has moved to extend the deadlines in the case as follows: (1) to extend the now-closed deadline for discovery from September 29, 2016 to October 31, 2016, (2) to move the deadline for dispositive motions from September 29, 2016 to

November 11, 2016, and (3) to move pre-trial and trial dates accordingly.¹ Defendant Select Portfolio Servicing, Inc. (“SPS”) has already filed its motion for summary judgment within the deadlines set by the current case schedule. (Dkt. No. 33.) Nonetheless, SPS agrees that it would be helpful for the parties to hold a settlement conference with Judge Acosta and therefore does not oppose extension of the dispositive motion or trial dates to allow the parties time to schedule and have the settlement conference.

SPS does oppose Plaintiffs’ request to reopen discovery, which SPS understands would be for the purpose of taking a Rule 30(b)(6) deposition of an SPS corporate designee. Plaintiff filed her complaint in September 2015. She nonetheless waited until September 27, 2016, two days before the close of discovery, to notice such a deposition for less than 48 hours’ later, forcing SPS to move for a protective order the next day (Dkt. Nos. 31, 32 Ex. 1.) Plaintiff’s Motion does not identify any good cause for waiting to notice that deposition until the last minute. Accordingly, Plaintiff’s motion should be denied to the extent that it requests a reopening of discovery.

DATED: September 30, 2016.

STOEL RIVES LLP

/s/ Crystal S. Chase

AMY EDWARDS, OSB No. 012492
CRYSTAL S. CHASE, OSB No. 093104
KENNON SCOTT, OSB No. 144280
Telephone: (503) 224-3380

Attorneys for Defendant

¹ Plaintiff has also moved to amend her complaint to add a fraud claim and delete the RESPA claim. SPS opposes the addition of a fraud claim (but does not oppose the dismissal of the RESPA claim) and will provide a full opposition to that motion in a separate filing.